

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONNIE PHILLIPS,

Plaintiff,

No. CIV S-02-1296 GEB JFM P

vs.

CHERYL K. PLILER, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. This matter is set for jury trial before the Honorable Garland E. Burrell, Jr. on August 15, 2006. On July 17, 2006, this court issued a writ of habeas corpus ad testificandum for the attendance of plaintiff's witness, inmate Nhia Yang, at trial. On July 26, 2006, the court received a letter from inmate Yang requesting that he not be called as a witness at the trial of this matter. Counsel for defendants has received a copy of the letter through the court's electronic filing system.

Good cause appearing, IT IS HEREBY ORDERED that:

1. Counsel for defendants shall forthwith send a copy of inmate Yang's letter and this order to plaintiff at California State Prison-Sacramento by facsimile and shall take all steps necessary to ensure plaintiff's receipt of said facsimile;

1                   2. On Wednesday, August 9, 2006, at 10:00 a.m. the parties shall place a  
2 conference call to the chambers of the undersigned to advise the court of their respective  
3 positions concerning whether or not the writ of habeas corpus ad testificandum to inmate Nhia  
4 Yang should be vacated; and

5                   3. The Clerk of the Court is directed to serve a copy of this order on plaintiff at  
6 his address of record and at California State Prison-Sacramento, P.O. Box 290002, Represa,  
7 California 95671-0002.

8 DATED: August 3, 2006.

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12 UNITED STATES MAGISTRATE JUDGE  
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